

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
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GMA ACCESSORIES, INC.

**DECLARATION IN SUPPORT  
OF PLAINTIFF'S MOTION TO  
DISMISS THE  
COUNTERCLAIMS**

Plaintiff,

Civil Action No.: 07CV3219 (LTS)

- against -

EMINENT, INC., SAKS FIFTH AVENUE, INC.,  
INTERMIX, INC., WINK NYC, INC.,  
LISA KLINE, INC., GIRLSHOP, INC.,  
SHOWROOM SEVEN STUDIOS, INC.,  
JONATHAN SINGER, LEWIS TIERNEY and  
JONATHAN SOLNICKI,

Defendants.

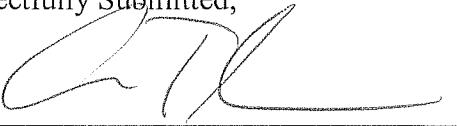
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ANDREW T. SWEENEY, hereby declares, under penalty of perjury pursuant to 28  
U.S.C. § 1746, as follows:

1. I am an associate at The Bostany Law Firm, plaintiff in this proceeding.
2. The answers of the defendants, Saks Fifth Avenue, Inc., Intermix, Inc., Wink  
NYC, Inc., Lisa Kline, Inc., Jonathan Singer and Lewis Tierney were served on  
GMA Accessories, Inc. along with counterclaims on October 24, 2007. A  
representative copy of one of the counterclaims which are all identical, is annexed  
hereto as **Exhibit A**.
3. A copy of this court's prior opinion which summarizes the nature of GMA's  
claims is respectfully annexed as **Exhibit B**.

For the reasons contained in the accompanying memorandum of law, we respectfully ask that the counterclaims along with the affirmative defense of "trademark misuse" be dismissed.

Dated: New York, New York  
November 13, 2007

Respectfully Submitted,

By: 

ANDREW T. SWEENEY (AS-0724)